

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-10 EUR-12 ISO-00 OES-07 ACDA-12 DOE-15
SOE-02 IO-13 SS-15 PM-05 CIAE-00 INR-10 NSAE-00
NSC-05 EB-08 NRC-05 DODE-00 SP-02 CEQ-01 /126 R

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APPROVED BY OES/NET:LVNOSENZO
DOE - BRUSH
DOE - SLAWSON
ACDA - MARSHALL
T/D - NYE
IO/SCT - TREVITHICK (SUBST)
OES/NET - GUHIN
S/AS - FARLEY
ACDA - RUST

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P 011735Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY VIENNA PRIORITY
INFO AMEMBASSY BELGRADE PRIORITY
AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L STATE 138630

VIENNA FOR IAEA

E.O. 11652: GDS

TAGS: TECH, PARM, IAEA, MX

SUBJECT: AMENDMENT TO U.S.-IAEA AGREEMENT

REF: VIENNA 4141, MEXICO 8585

1. WHILE USG DOES NOT RPT NOT INTEND TO PRESS FOR ADOP-
TION OF AMENDMENT TO U.S.-IAEA AGREEMENT FOR COOPERATION
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(GOV/1879) AT JUNE BOARD MEETING, WE BELIEVE IT IS
DESIRABLE THAT USG MAKE STATEMENT AT BOARD MEETING, AND
TAKE POSITION IN CORRIDORS, ALONG FOLLOWING LINES:

-- A DRAFT AMENDMENT TO U.S.-IAEA COOPERATION AGREE-
MENT HAS BEEN NEGOTIATED BETWEEN U.S. AND IAEA SECRETARIAT.
THIS DRAFT WAS DISTRIBUTED FEBRUARY 8 IN GOV/1879.

-- THE AMENDMENT IS DESIGNED TO UPDATE THE EXISTING AGREEMENT, WHICH CAME INTO FORCE IN 1959.

-- THE PROPOSED AMENDMENT, BY ITS OWN TERMS IS PROSPECTIVE; IT ESTABLISHES CONDITIONS FOR SUPPLY AGREEMENTS ENTERED INTO AFTER THE DATE OF ENTRY INTO FORCE OF THE AMENDMENT, BY OTHER STATES, THE AGENCY AND THE U.S.

-- THE AMENDMENT WOULD ESTABLISH TERMS FOR U.S. ASSISTANCE TO RECIPIENT COUNTRIES THROUGH MECHANISM OF

U.S.-IAEA AGREEMENT FOR COOPERATION. SINCE IT SETS FORTH CONDITIONS USG REQUIRES, WE BELIEVE IT DESIRABLE TO SET FORTH CONDITIONS CLEARLY IN AMENDMENT FORM.

-- WE URGE MEMBERS OF BOARD TO STUDY PROPOSED AMENDMENT AND GIVE US COMMENTS.

-- AT AN APPROPRIATE TIME AFTER FURTHER CONSULTATIONS AND EXCHANGES OF VIEWS, THE U.S. PLANS TO REQUEST THE AMENDMENT COME BEFORE THE BOARD FOR APPROVAL.

2. FOLLOWING ARE COMMENTS ON MEXICAN VIEWS CONTAINED IN VIENNA 4141, WHICH MISSION MAY PROVIDE MEXICANS AS APPROPRIATE. COMMENTS ARE KEYED TO LETTERING IN PARA 2 OF CONFIDENTIAL

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VIENNA REFTEL.

A. WHILE WE UNDERSTAND AGENCY CAN ONLY APPLY SAFEGUARDS IN ACCORDANCE WITH STATUTE, REFERENCES TO STATUTE DO NOT APPEAR APPROPRIATE IN CONTEXT OF SECTIONS (B) (2) AND (J)(2) OF ANNEX. WE NOTE THAT GOV/1621 REFERS TO "AGENCY'S SAFEGUARDS SYSTEM" WITHOUT REFERENCES TO "AGENCY'S STATUTE" AND THIS MAY SERVE AS APPROPRIATE PRECEDENT.

B. WE CONCUR WITH MISSION VIEW. WE HAVE NO FLEXIBILITY ON THIS POINT. ONE OF OUR KEY OBJECTIVES IS TO CLARIFY EXCLUSION OF NUCLEAR EXPLOSIVE USES.

C. WE CONFIRM THAT SECTION B (3) OF ANNEX CONTAINS FLEXIBILITY, PROVIDING MEMBER STATE WITH OPTION OF EITHER INFORMING THE USG DIRECTLY OR THROUGH IAEA OF STATUS OF INVENTORIES.

D. WHILE USG WOULD HAVE NO DIFFICULTY ACCEPTING A FORMULATION THAT REFERRED TO AGREEMENT OF THE PARTIES RATHER THAN TO AGREEMENT OF THE U.S. ALONE, WE SHARE

MISSION'S VIEW THAT IAEA WOULD NOT ACCEPT SUCH A FORMULATION, IN VIEW OF NEGOTIATING HISTORY OF GOV/1877 AND DESIRE OF SECRETARIAT TO DISASSOCIATE ITSELF FROM THE APPLICATION OF U.S. EXPORT CRITERIA.

E. WE AGREE WITH MISSION COMMENT. REFERENCE TO INFCIRC/225/REV. 1, IS MERELY AS "AGENCY DOCUMENT", WITH NO IMPLICATION THAT THERE HAS BEEN ANY BOARD APPROVAL OR OTHER SPECIAL STATUS ACCORDED IT. IF IT WOULD HELP FROM MEXICAN VIEWPOINT, WE COULD DELETE WORDS "AGENCY DOCUMENT".

F. WE WOULD HAVE NO DIFFICULTY INCLUDING A REFERENCE TO ANOTHER APPROPRIATE INTERNATIONAL SAFEGUARDS
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SYSTEM AS MAY BE AGREED BETWEEN THE U. S. AND THE CONCERNED MEMBER STATE AS AN ADDITIONAL OPTIONAL FALLBACK.
SECTION (I) COULD THUS BE REVISED TO READ: "ANY ARRANGEMENTS ENTERED INTO BY THE U.S. WITH A NON-NUCLEAR-WEAPON MEMBER STATE OR GROUP OF MEMBER STATES IN CONNECTION WITH ANY SUPPLY AGREEMENT SHALL PROVIDE THAT IN THE EVENT THE AGENCY IS FOR ANY REASON UNABLE TO CONTINUE TO APPLY ITS SAFEGUARDS, SAFEGUARDS SHALL BE APPLIED IN ACCORDANCE WITH ANOTHER APPROPRIATE INTERNATIONAL SAFEGUARDS SYSTEM AS THE GOVERNMENTS MAY AGREE, OR BY THE U.S. IN THAT MEMBER STATE OR GROUP OF MEMBER STATES."

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Message Attributes

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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
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